No. D. 84—*C. S.* 56-35-6, *dated Bangalore, the 8th July* 1936.

Under Section 66 (4) of the Mysore Co-operative Societies Regulation of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rules regarding the distraint and sale of standing crops.

Objections, if any, to the rules as well as suggestions for additions, alterations or omissions by persons or bodies likely to be affected by these rules may be forwarded to the General Secretary to Government within two months from the date of this Notification in the *Mysore Gazette*, after which they will be taken into consideration by Government.

Any objections or suggestions received after the due date will not receive consideration.

1. On receipt of an application by the Committee of a Bank under Section 66 of the Mysore Co-operative Societies Regulation for the recovery of any instalment or part thereof under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land including the standing crops thereon, the Registrar may after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of a sufficient part of the produce of the mortgaged land including the standing crops thereon.

2. On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the District in which such land is situate to effect the distraint together with a copy of his order.

3. On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner :—

(*a*) to require that the crop growing on the mortgaged land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has

been returned endorsed with an acknowledgment of its receipt;

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(*c*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same and to realise the amount required for the remuneration of the said watchmen.

4. The Deputy Commissioner's orders under either Clause (*a*) or (*b*) of the above rule shall be made known by public proclamation, by beat of drum in the village and by affixing a copy of the order in the Chavadi or some other public building in the village in which the mortgaged land is situate.

5. Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall on conviction after summary enquiry by the Deputy Commissioner be liable to pay a fine not exceeding double the amount for which it had been attached.

6. If within two months after the crop has been deposited, the amount due together with costs has not been paid, the Deputy Commissioner shall proceed to realise it by sale of such portion of the crop as is necessary, provided that the limit of two months shall not apply to articles of a perishable nature, which shall be sold immediately.

7. When the sale of the distrained produce is ordered, the Deputy Commissioner shall issue a proclamation in Kannada of the intended sale, specifying the amount due, the time and place of sale and whether the sale is subject to confirmation or not. Such proclamation shall be made by beat of tom tom in the village in which the property is seized.

8. A written notice of the intended sale shall be affixed in the Amildar's or the Deputy Amildar's Office and in the Chavadi or other public building in the village in which the produce was seized.

9. Sales shall be made by auction by such persons as the Deputy Commissioner may direct. No such sale shall take place on a General Holiday recognised by Government or until the expiration of at least seven days from the latest date on which the notice shall have been affixed, as required by the last preceding rule.

The sale may from time to time be postponed for any sufficient reason.

10. Nothing in the last three rules applies to the sale of perishable articles.

11. If the defaulter or any person on his behalf pays the instalment due together with such other charges legally due by him before the property is knocked down, to the officer appointed to conduct the sale or if he furnished adequate security, the sale shall be stayed.

12. Sale of perishable articles shall be finally concluded by the officer conducting such sales. All other sales finally concluded by the officer conducting the sales shall be subject to confirmation of such officer, as may be directed in orders to be made by the Deputy Commissioner.

13. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever.

14. When the sale of any moveable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent on the amount of his bid and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of the purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed or if the said day be an authorised holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute against all persons whatsoever.

15. In default of payment within the prescribed period of the full amount of purchase money, the deposit

after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner, be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

16. If the proceeds of the resale which is held by reason of the purchaser's default be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

17. Every resale of property in default of payment of the purchase money or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

18. Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be.

19. When any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor Bank and the fact intimated to it or the amount due shall be remitted by a Remittance Transfer Receipt after defraying the expenses of watch and sale.

20. If any claim be set up by a third person to moveable property attached under these provisions, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. It the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as aforesaid.

No. P. 433—Legis. 46-35-83, dated Bangalore, the 14th July 1936.

In exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Regulation 1928 and Sections 5 and 23 (3) of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His

Highness the Maharaja are pleased to issue the following amendment to the Public Service Motor Vehicles Rules, 1935, the draft rules in the said behalf having been published with Notification No. P. 6935—Legis 46-35, dated 20th—21st April 1936, at page 148 of Part IV of the *Mysore Gazette*, dated 23rd April 1936.

For Rules 88 to 93 substitute the following :—

"Appeals and Revision.

88. The Board may, either on its own motion or on an application made in this behalf, call for and examine the record of any enquiry or the proceedings of any officer under these rules, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If, in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

89. Subject to the powers of revision vested in the Board, the order of a District Magistrate granting or refusing a permit under these rules and all orders regarding time-table and frequency of services and conditions attached to the permit and other similar matters passed by a District Magistrate shall be final.

90. In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

91. The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

92. The decision of the Traffic Board shall be final."

By Order,

M. VENKATESA IYENGAR,

Secretary to Government,

General Department.

Printed by the Superintendent at the Government Press, Bangalore.